

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BITRO GROUP INC.,	)	
	)	
Plaintiff,	)	Civil Action No. 21-cv-6144
	)	
v.	)	<b>COMPLAINT</b>
	)	
ASP HOLDINGS, INC.,	)	<b>Jury Trial Demanded</b>
	)	
Defendant.	)	
	)	

Plaintiff BITRO GROUP INC. ("Bitro"), by way of complaint against defendant ASP HOLDINGS, INC. ("ASP"), alleges that:

**NATURE OF ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a).

3. Venue is proper within this judicial district under 28 U.S.C. §1400(b) and/or 28 U.S.C. §1391(b) and (d).

4. Bitro is a New Jersey corporation having a principal place of business located at 300 Lodi Street, Hackensack, New Jersey 07601.

5. Upon information and belief, ASP is and/or at all relevant times was a Minnesota corporation having a principal place of business located at 4900 Constellation Drive, White Bear Township, Minnesota 55127.

6. Upon information and belief, ASP offers products for sale to customers in the State of New York, transacts substantial business in the State of New York, including in this judicial district, and has contracted to supply goods in the State of New York, and/or is otherwise subject to the personal jurisdiction of this Court.

## **BACKGROUND**

7. Bitro is a leading provider of professional grade LED lighting products.

8. On August 18, 2015, the United States Patent and Trademark Office (“PTO”) duly and legally issued United States Patent No. 9,113,558 B2 (“the ‘558 patent”), entitled “LED Mount Bar Capable of Freely Forming Curved Surfaces Thereon.” Bitro is the owner by assignment of all right, title and interest in the ‘558 patent. A true and correct copy of the ‘558 patent is attached as Exhibit A hereto.

9. Traditional LED tape light strips provide lighting at regular intervals along a linear strip, but are not flexible in the direction of their width. Such LED tape light strips therefore cannot easily be used to provide lighting for custom shapes and letters.

10. The ‘558 patent describes and claims an LED tape light strip with a unique structure that allows it to be bent in the direction of its width, and is therefore ideal for lighting that must conform to unique shapes.

11. Bitro has been regularly and continually making, marketing, using and selling LED tape light strips made in accordance with the ‘558 patent in the U.S. since December of 2012. These activities include, but are not limited to, displaying such patented lighting systems at tradeshows throughout the U.S. and designing and installing such systems for customers.

12. Bitro has found that its uniquely flexible LED tape light strips, as well as installations incorporating the LED tape light strips, actively and successfully attract new customers and retain existing customers, who ultimately engage Bitro for installations incorporating all of Bitro's lighting products and services. As such the Bitro LED tape light strips utilizing the patented technology have become an important and valuable continuing source of business attraction and growth for Bitro.

#### **ASP'S PATENT INFRINGEMENT**

13. Bitro hereby repeats and re-alleges paragraphs 1 through 12 above as if fully set forth herein.

14. Upon information and belief, ASP does business as "aspectLED" and owns, operates, and/or maintains a website at [www.aspectled.com](http://www.aspectled.com), at which it identifies aspectLED as a Wilson Tool Company.

15. ASP sells, has sold, offers for sale, imports and/or distributes, in the United States, the "B-Series (Bendable) Zig-Zag Flexible LED Strip Light" product (hereinafter "the B-Series"). On its website, ASP states that the "B-Series Zig-Zag LED strip lights are a unique product that allows much sharper horizontal turns than traditional LED strip lights, allowing creations that wouldn't otherwise be possible," as depicted in Exhibit B hereto.

16. ASP has infringed and, unless enjoined, will continue to infringe the '558 patent, either literally or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing into the United States, LED mounting bars covered by at least claim 1 of the '558 patent, including, but not necessarily limited to, the B-Series, in violation of 35 U.S.C. §271(a).

17. Bitro put ASP on actual notice of its infringement of the '558 patent by letter dated October 18, 2019.

18. ASP's acts of infringement were undertaken willfully, without authority, permission or license from Bitro.

19. By reason of ASP's infringement of the '558 patent, Bitro has suffered irreparable injury and has been damaged in an amount to be determined at trial. Bitro's damages include lost profits and/or reasonable royalties adequate to compensate for the infringement by ASP.

20. The infringement by ASP is in direct violation of Bitro's rights under Title 35, United States Code, to exclude others from making, using, importing, selling and/or offering for sale inventions claimed in the '558 patent. Bitro has no adequate remedy at law. Bitro will continue to suffer irreparable harm unless an injunction is issued enjoining and restraining ASP from infringing the '558 patent.

WHEREFORE, Bitro respectfully prays for judgment in its favor and against ASP, as follows:

- (a) that ASP has infringed the '558 patent;
- (b) that an injunction be entered permanently enjoining ASP and its agents, servants, and employees, and all those in active concert and participation with it, or any of them, from infringing the '558 patent, pursuant to 35 U.S.C. §283;
- (c) that an accounting be had, and judgment rendered in Bitro's favor, and against ASP, for damages adequate to compensate for the infringement of the '558 patent,

in an amount to be determined at trial, but in no event less than a reasonable royalty, pursuant to 35 U.S. C. §284, together with costs and interest;

- (d) that the infringement by ASP be found to be willful and that Bitro be awarded treble damages pursuant to 35 U.S.C. §284;
- (e) that attorneys' fees, pursuant to 35 U.S.C. §285, costs and disbursements incurred in connection with the prosecution of this action be awarded to Bitro;
- (f) for such other and further relief as to the Court may seem just, proper and equitable under the circumstances.

July 19, 2021

MYERS WOLIN, LLC

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